

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

PAUL HAARER,)	
)	
Plaintiff,)	
)	CIVIL ACTION FILE NO.:
v.)	
)	
VINEYARD CAPITAL PARTNERS,)	
L.L.C. and PINNACLE FUNERAL)	
SERVICE, LLC,)	
)	
Defendants.)	

DEFENDANTS' NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1441(a) and (c), and 1446, Defendants file this Notice of Removal to the United States District Court for the Northern District of Georgia, Atlanta Division. Removal is proper based on the following grounds:

1. On March 28, 2023, Plaintiff Paul Haarer initiated a civil action captioned *Paul Haarer v. Vineyard Capital Partners, L.L.C. and Pinnacle Funeral Service, LLC*, Civil Action No. 2023-CV-378125, in the Superior Court of Fulton County, Georgia ("State Court Action"). A true and correct copy of the Complaint is attached hereto as Exhibit A.

2. On April 6, 2023, Defendants' counsel filed an Acknowledgment of Service of the Summons and Complaint. A true and correct copy of the Acknowledgment of Service is attached hereto as Exhibit B.

3. On May 5, 2023, Plaintiff filed a Motion to File Unredacted Complaint Under Seal. On May 16, 2023, the Court granted Plaintiff's Motion. A true and correct copy of the Motion and Order are attached hereto as Exhibit C.

4. On May 8, 2023, Defendants filed an Answer to Plaintiff's Complaint with Counterclaims. A true and correct copy of the Answer to Plaintiff's Complaint with Counterclaims is attached hereto as Exhibit D.

5. Also on May 8, 2023, Defendants filed a Motion and Memorandum to Compel Arbitration and Dismiss Plaintiff's Complaint. A true and correct copy of the Motion and Memorandum to Compel Arbitration and Dismiss is attached hereto as Exhibit E.

6. Plaintiff filed an Answer and Affirmative Defenses to Defendants' Counterclaims on June 8, 2023. A true and correct copy of Plaintiff's Answer and Affirmative Defenses is attached hereto as Exhibit F.

7. On June 20, 2023, Plaintiff filed a Response in Opposition to Defendants' Motion to Compel Arbitration and Dismiss. A true and correct copy of

Plaintiff's Opposition to Defendants' Motion to Compel Arbitration and Dismiss is attached hereto as Exhibit G.

8. Plaintiff also filed a First Amended Complaint for Damages on June 20, 2023. A true and correct copy of Plaintiff's First Amended Complaint for Damages is attached hereto as Exhibit H.

9. On June 27, 2023, Plaintiff filed a Motion to File Unredacted First Amended Complaint Under Seal. A true and correct copy is attached hereto as Exhibit I.

10. Plaintiff's counsel filed Notices of Leave of Absence on April 21 and June 14, 2023. A true and correct copy of both Notices are attached hereto as Exhibit J.

11. Exhibits A through J constitute all pleadings and process provided to Defendants in this action.

12. Plaintiff's First Amended Complaint in the State Court Action ("First Amended Complaint") asserts causes of action for discriminatory termination and retaliation pursuant to the Age Discrimination in Employment Act of 1967. *See* Ex. H at 3-4.

13. Pursuant to 28 U.S.C. § 1331, this Court has original jurisdiction over this case because the action presents questions of federal law for adjudication.

14. Plaintiff's state law claims are based on the same factual allegations as Plaintiff's federal law claims.

15. Pursuant to 28 U.S.C. § 1367(a), this Court has supplemental jurisdiction over Plaintiff's state law claims because they form part of the same case or controversy as Plaintiff's federal law claims.

16. In accordance with 28 U.S.C. § 1446(b)(3), this Notice of Removal is filed within thirty (30) days from the date that the First Amended Complaint was served on Defendants.

17. Defendants have not filed an Answer to the First Amended Complaint in the Superior Court of Fulton County, Georgia.

18. Pursuant to 28 U.S.C. § 1441(a), removal is proper because Defendants remove this case to the United States District Court for the Northern District of Georgia, which is the District Court embracing the place where the State Court Action is pending.

19. Defendants file this Notice of Removal without waiving any defenses to the claims asserted by Plaintiff and without conceding that Plaintiff has alleged claims upon which relief may be granted.

20. This Notice of Removal is signed pursuant to Rule 11 of the Federal Rules of Civil Procedure.

21. In accordance with 28 U.S.C. § 1446(d), a copy of this Notice will be filed with the Clerk of Court for the Superior Court of Fulton County, Georgia and upon Plaintiff promptly after the filing of the original Notice of Removal in this action.

22. By copy of this document and in accordance with the Certificate of Service, Defendants are providing notice to all parties in this action of the filing of this Notice of Removal pursuant to 28 U.S.C. § 1446(d).

WHEREFORE, this case is hereby removed to the United States District Court for the Northern District of Georgia, Atlanta Division, which will assume full jurisdiction over such action as provided by law.

Respectfully submitted, this 5th day of July 2023.

/s/ Adriana R. Midence
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Counsel for Defendants

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CERTIFICATE OF SERVICE

I hereby certify that, on this 5th day of July 2023, I filed the foregoing
DEFENDANTS' NOTICE OF REMOVAL using the ECF system, which will
send notice and a copy of same to:

Richard L. Robbins
Catherine C. Sullivan
Michael D. Forrest
ROBBINS ALLOY BELINFANTE LITTLEFIELD LLC

Counsel for Plaintiff

/s/ Adriana R. Midence
Adriana R. Midence

Counsel for Defendants